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2 **IN THE UNITED STATES DISTRICT COURT FOR THE**
3 **WESTERN DISTRICT OF MISSOURI**
 SOUTHERN DIVISION

4 **UNITED STATES OF AMERICA,**) **Case No. 17-03014-01-CR-S-RK**
)
5 **Plaintiff,**) **Springfield, Missouri**
) **October 11, 2017**
6 **v.**)
)
7 **DOMINIC KEITH PEARSON,**)
)
8 **Defendant.**)
)
_____)

9
10 **TRANSCRIPT OF HEARING ON CHANGE OF PLEA**
11 **BEFORE THE HONORABLE DAVID P. RUSH**
 UNITED STATES MAGISTRATE JUDGE

12 **APPEARANCES:**

13 For the Plaintiff: Ms. Ami Harshad Miller
 Assistant United States Attorney
14 901 St. Louis St., Ste. 500
 Springfield, MO 65806
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15 For the Defendant: Mr. Ian A. Lewis
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25 Proceedings recorded by electronic sound recording, transcript
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1 (Court in Session at 9:30 a.m.)

2 THE COURT: Calling in *United States vs. Dominic Keith*
3 *Pearson*. The defendant appears in person along with his
4 attorney, Mr. Ian Lewis. The United States appears by Assistant
5 United States Attorney, Ms. Ami Miller. This matter is set this
6 morning for a change of plea to the Superseding Indictment
7 returned against this defendant on May 11th of 2017. Mr.
8 Pearson, you have signed a consent to have these proceedings for
9 a plea of guilty before a Magistrate Judge, with the
10 understanding that a United States District Judge, a judge of
11 higher jurisdiction, will keep your case for acceptance of the
12 plea of guilty and sentencing. Even though you signed this
13 consent you have a right, if you wish, to appear before a United
14 States District Judge, a judge of higher jurisdiction, for these
15 proceedings. At any appearance before the District Judge, you're
16 presumed innocent until such time, if ever, as the Government
17 establishes your guilt beyond a reasonable doubt to the
18 satisfaction of the judge or jury. You always have a right to
19 confront -- you have the right to be present and to confront and
20 cross-examine witnesses. You have a right to use the power of
21 the court to subpoena evidence on your behalf and you have a
22 right to testify or not testify as you would choose. And if you
23 chose not to testify it would not be held against you as that is
24 your right. If, after understanding the charges against you, the
25 range of punishment, if convicted, and your right to appear

1 before a District Judge, if you wish, you may waive or give up
2 that right and proceed this morning before the Magistrate Judge.
3 As I indicated, you have signed such a consent. Do you
4 understand that you have a right to appear before a United States
5 District Judge, a judge of higher jurisdiction, for these
6 proceedings?

7 MR. PEARSON: I do.

8 THE COURT: And is it your desire to give up that right
9 and proceed this morning before the Magistrate Judge?

10 MR. PEARSON: Yes, Your Honor.

11 THE COURT: Mr. Pearson, do you understand the charge
12 against you in Count One of the Indictment in this case?

13 MR. PEARSON: Yes.

14 THE COURT: And I'm referring to the Superseding
15 Indictment. Do you understand that if convicted of the charge in
16 Count One, that the minimum penalty the court may impose is not
17 less than 10 years imprisonment, while the maximum penalty the
18 court may impose is not more than life imprisonment, not more
19 than a \$250,000 fine, not less than five years supervised release
20 or a life term of supervised release, and a \$100 mandatory
21 special assessment?

22 MR. PEARSON: Yes.

23 THE COURT: To the charge in Count One of the
24 Superseding Indictment, how do you wish to plead, guilty or not
25 guilty?

1 MR. PEARSON: Guilty.

2 THE COURT: Do you understand the charge against you in
3 Count Two of the Superseding Indictment in this case?

4 MR. PEARSON: Yes.

5 THE COURT: Do you understand that if convicted of the
6 charge in Count Two, that the minimum penalty the court may
7 impose is not less than 15 years imprisonment, while the maximum
8 penalty the court may impose is not more than 30 years
9 imprisonment, not more than a \$250,000 fine, not less than five
10 years supervised release or a life term of supervised release,
11 and a \$100 mandatory special assessment?

12 MR. PEARSON: Yes.

13 THE COURT: To the charge in Count Two, how do you wish
14 to plead, guilty or not guilty?

15 MR. PEARSON: Guilty.

16 THE COURT: Do you understand the charge against you in
17 Count Three of the Superseding Indictment in this case?

18 MR. PEARSON: Yes.

19 THE COURT: Do you understand that if convicted of the
20 charge in Count Three, that the minimum penalty the court may
21 impose is not less than 10 years imprisonment, while the maximum
22 penalty the court may impose is not more than life imprisonment,
23 not more than a \$250,000 fine, not less than five years
24 supervised release or a life term of supervised release, and a
25 \$100 mandatory special assessment?

1 MR. PEARSON: Yes.

2 THE COURT: And you'll have to just speak up. I can
3 hear you, but it's being transcribed for us.

4 MR. PEARSON: Yes.

5 THE COURT: Thank you. And to the charge in Count
6 Three, how do you wish to plead, guilty or not guilty?

7 MR. PEARSON: Guilty.

8 THE COURT: Do you understand the charge against you in
9 Count Four of the Superseding Indictment in this case?

10 MR. PEARSON: Yes.

11 THE COURT: Do you understand that if convicted of the
12 charge in Count Four, that the maximum penalty the court may
13 impose is not more than 30 years imprisonment, not more than a
14 \$250,000 fine, not less than five years supervised release or a
15 life term of supervised release, and a \$100 mandatory special
16 assessment?

17 MR. PEARSON: Yes.

18 THE COURT: To the charge in Count Four of the
19 Superseding Indictment, how do you wish to plead, guilty or not
20 guilty?

21 MR. PEARSON: Guilty.

22 THE COURT: Would you please stand and raise your right
23 hand as best you can?

24 DOMINIC KEITH PEARSON, DEFENDANT, SWORN

25 THE COURT: You're going to have to speak up.

1 MR. PEARSON: Yes.

2 THE COURT: Thank you. And we'll bring that microphone
3 over a little bit to you. And you can put your hand down now,
4 Mr. Pearson. Has anyone made any threat of any kind to force you
5 to plead guilty or to give up any of the other rights we've
6 discussed this morning?

7 MR. PEARSON: No.

8 THE COURT: Has anyone made any promise of any kind to
9 induce you or overcome your will to get you to plead guilty or
10 give up any of the other rights we've discussed?

11 MR. PEARSON: No.

12 THE COURT: I mentioned to you that there was a
13 supervised release term of not less than five years or up to a
14 life term of supervised release that could be imposed in your
15 case as to Counts One, Two, Three and Four of the Superseding
16 Indictment. Do you understand that if those terms were imposed
17 and then revoked for any reason, that you could be required to
18 serve an additional term of imprisonment of not more than five
19 years as to Counts One and Three and not more than three years as
20 to Counts Two and Four, unless the provisions of 18 U.S.C.
21 Section 3583(k) supersede Section 3583(e) (3) in which case the
22 court must impose a sentence of not less than five years as to
23 each of those counts, and if that happened, you would receive no
24 credit for any other time you had spent either in custody or on
25 release?

(Off Record: Attorney-Client Discussion)

MR. PEARSON: Yes, I understand.

THE COURT: And do you understand that the court -- the District Court could then impose an additional term of supervised release, which would be governed by the maximum of the statute pertaining to each count, minus any time you'd spent in custody as a result of a violation?

MR. PEARSON: Yes.

THE COURT: Do you understand, Mr. Pearson, that from a sentence imposed in your case that there is no parole?

MR. PEARSON: Yes.

THE COURT: Do you understand that there are Sentencing Guidelines to which the District Court would refer to in an advisory capacity when attempting to fashion a reasonable sentence in your case?

MR. PEARSON: Yes, I do.

THE COURT: Have you discussed the guidelines with Mr. Lewis?

MR. PEARSON: Yes.

THE COURT: And again, I'm going to have you speak up.

MR. PEARSON: Yes.

THE COURT: Thank you. And do you understand them?

MR. PEARSON: Yes.

THE COURT: Do you understand that the final decision as to how the guidelines are calculated and ultimately what sentence

1 will be imposed rests with the District Judge?

2 MR. PEARSON: Yes, I do.

3 THE COURT: If the District Judge would calculate the
4 guidelines differently from what you've discussed with Mr. Lewis,
5 that fact would not give you the right to withdraw or change your
6 plea of guilty. Do you understand that?

7 MR. PEARSON: Yes.

8 THE COURT: Once the District Judge establishes the
9 advisory guideline range, in some circumstances, you could be
10 sentenced above that range and, in other circumstances, below
11 that range. And again, the judge's decision, if you disagreed,
12 would not give you the right to withdraw your plea of guilty. Do
13 you understand that?

14 MR. PEARSON: Yes, I do.

15 THE COURT: Now, Mr. Pearson, do you understand that as
16 a result of your conviction for the offenses set forth in Counts
17 One, Two, Three and Four that you will be required to register as
18 a sex offender under both state and federal law?

19 MR. PEARSON: Yes, I do.

20 THE COURT: Mr. Pearson, you have a right to a trial by
21 jury with all the protections that I explained to you at the
22 beginning of these proceedings. Do you understand your right to
23 a trial by jury?

24 MR. PEARSON: Yes.

25 THE COURT: And do you understand that if the court

1 accepts your pleas of guilty that there won't be a trial?

2 MR. PEARSON: Yes, I do.

3 THE COURT: I'm going to ask you about the offenses
4 charged in Counts One, Two, Three and Four of the Superseding
5 Indictment. I would remind you that you are under oath. You
6 must answer truthfully. Any false answers could result in
7 charges of false swearing or perjury. You always have the right
8 to remain silent. And I want you to listen carefully because in
9 just a moment I'm going to ask the attorney for the United States
10 to state for the record the evidence that she believes that she
11 could present at trial to prove or establish your guilt beyond a
12 reasonable doubt to the satisfaction of the judge or jury. After
13 she's finished, I'm going to ask you if you, in fact, did the
14 things that she states for the record that she believes she can
15 prove beyond a reasonable doubt. Ms. Miller?

16 MS. MILLER: Thank you, Your Honor. If this case were
17 to go to trial, the Government could prove beyond a reasonable
18 doubt that on January 8th of 2017, an individual identified as
19 G.W. contacted law enforcement to report that 13-year-old Jane
20 Doe was missing. Law enforcement responded to a location in
21 Greene County, Missouri, a location within the Western District
22 of Missouri, to take a report. G.W. and J.W. reported that Jane
23 Doe was last seen at 11:40 a.m. that day. At approximately 1:45
24 p.m., G.W. was unable to locate Jane Doe in their residence.
25 G.W. and J.W. stated that Jane Doe had no cell phone of her own.

1 On January 9th, 2017, Springfield Police Department Officer K.
2 Friend, F-R-I-E-N-D, was assigned the case for follow-up
3 investigation. Officer Friend contacted the Ws and the Ws told
4 Officer Friend that Jane Doe had used G.W.'s cell phone which was
5 an LG L15G Sunrise and J.W.'s cell phone, a Samsung SM-S765C.
6 The Ws gave Officer Friend consent to seize and search their cell
7 phones. On January 10th, 2017, Springfield Police Department
8 Computer Forensic Analyst Michael Costello began his forensic
9 examination of G.W.'s LG L15G Sunrise cellular phone. During the
10 examination, CFA Costello, C-O-S-T-E-L-L-O, located messages sent
11 between Jane Doe and a user identified as D-A-R-K-L-E-S-T-A-T_L-
12 W-P on the --

13 THE COURT: Ms. Miller, if I could stop you for just a
14 second. We may have an issue with our recording. Sorry to
15 interrupt you but this is being recorded so it can be transcribed
16 and I think we just experienced some technical difficulty. So
17 you all can be seated while we wait.

18 (Off Record Talking)

19 THE COURT: All right. Well, we are back on the record.
20 We're up and operational. Sorry, Ms. Miller. If you would
21 proceed. Thank you.

22 MS. MILLER: Thank you, Your Honor. I'll go back
23 starting from during the examination, CFA Costello located
24 messages sent between Jane Doe and a user identified as D-A-R-K-
25 L-E-S-T-A-T_L-W-P on KIK application. The user's screen name was

1 Blackheart and the registered email address was
2 dominicp2011@gmail.com. The messages were sent between January
3 5th of 2017, and January 7th of 2017. The following are examples
4 of messages sent by darklestat_lwp to Jane Doe. "I am on the way
5 to you, we are going to meet up with our ride." "What school u
6 go to". "Will you marry me at 18". "As long as fuck me when I
7 want and be a good sex toy." "East side of Nebraska, I am
8 working my way there." "I can't wait to be with u and marry u."
9 "I want to be there tonight so im just going" -- I'm sorry --
10 "gonna push through." Law enforcement determined the telephone
11 number used by the KIK user darklestat_lwp to be 772-302-0148.
12 On January 10th, 2017, FBI Task Force Officer Jeff Burnett, B-U-
13 R-N-E-T-T, requested and received subscriber information from
14 Google for an email address of the dominicp2011@gmail.com. The
15 email was registered to Dominic Pearson, the defendant. His last
16 reported log-on date was on January 10th, 2017, at which time he
17 utilized IP address 70.195.8.38. Task Force Officer Burnett also
18 confirmed that G.W.'s LG cellular phone was manufactured outside
19 the state of Missouri and would have had to cross state lines.
20 Furthermore, KIK utilizes the Internet to function. On January
21 10th, 2017, Jane Doe and Pearson were located by the Oak Grove,
22 Missouri, Police Department, which is a location within the
23 Western District of Missouri. Oak Grove Police Department
24 Officers located Pearson and Jane Doe in a trucker's lounge at
25 the Petro, P-E-T-R-O, Truck Stop located off of Interstate 70.

1 Both Pearson and Jane Doe had luggage with them in the lounge.
2 Officers seized a Samsung Galaxy J3 cell phone from Pearson.
3 Officers also seized a green duffle bag, a large blue luggage
4 bag, a medium blue luggage bad and a small blue luggage bag that
5 were located with Pearson and Jane Doe. On January 11th, 2017,
6 Jane Doe was transported to Children's Mercy Hospital in Kansas
7 City. Children's Mercy Hospital Social Worker Tammy Kamp, K-A-M-
8 P, interviewed Jane Doe. Jane Doe stated that Pearson had bought
9 her food and clothing and they had had sex. Sexual Assault Nurse
10 Examiner Tracy Mead, M-E-A-D, examined and spoke with Jane Doe.
11 Jane Doe told SANE Nurse Mead that Pearson penetrated her vagina
12 with his penis and finger and she performed oral sex on Pearson.
13 Jane Doe stated the last occurrence of sexual contact was shortly
14 before Oak Grove Police Department located them at the Petro
15 Truck Stop. On January 12th, 2017, Task Force Officer Burnett
16 interviewed Pearson at the Blue Springs, Missouri Detention
17 Center. Post-Miranda Pearson admitted that he had began a
18 relationship with Jane Doe through the Internet. Pearson stated
19 he first met Jane Doe on a website named P-I-M-D. Pearson stated
20 that Jane Doe had told him she was 15 years old. Pearson told
21 Jane Doe he was traveling to Denver, Colorado, and he could take
22 her there. Prior to arriving in Springfield, Pearson stated he
23 had previously traveled through Nebraska, Iowa and Texas and then
24 to Missouri. Pearson stated he resided in Silverthorne,
25 Colorado. Pearson admitted that his KIK user name was

1 darklestat_lwp and his email address was dominicp2011@gmail.com.

2 Pearson stated he used his Samsung cellular phone with the number
3 of 772-882-0148 to communicate on KIK. Pearson stated that he
4 and Jane Doe discussed getting married when she was of age.

5 Pearson admitted to picking Jane Doe up from Springfield,
6 Missouri. Pearson stated that when they arrived in Kansas City,
7 the went to Denny's and then stayed at Quality Inn for the night.
8 Pearson stated that he did have sexual contact with Jane Doe.

9 Pearson admitted that he touched Jane Doe's vagina and breasts
10 and that they engaged in oral and vaginal intercourse. Pearson
11 stated this occurred at the Quality Inn and in John's truck at
12 the Denny's parking lot. Pearson stated that after they left the
13 motel, they found a ride with a truck driver who dropped them off
14 at the truck stop on Interstate 70 where they were located by the
15 police. Pearson stated he took nude photographs of Jane Doe
16 using his Samsung cellular phone. Pearson stated he took
17 approximately six nude images of Jane Doe, that is, sexually
18 explicit images of a child less than 18 years of age. On January
19 13th, 2017, Task Force Officer Burnett collected the Samsung
20 Galaxy J3 cellular phone. TFO Burnett verified that the Samsung
21 Galaxy J3 cellular phone was a Model SM J320VPP. Task Force
22 Officer Burnett confirmed that the cell phone was manufactured
23 outside of the state of Missouri and would have had to cross
24 state lines. Forensic Analyst Costello examined Pearson's
25 Samsung cellular phone which also contained a 64 gigabyte Micro

1 SD card which is also manufactured outside the state of Missouri.
2 CFA Costello was able to create a forensic image of the phone and
3 examined the SD card. KIK was installed and the user was logged
4 in as darklestat. There were 14 images of Jane Doe that were
5 sexually explicit on the SD card. Five photos were taken on
6 January 8th, 2017. The five photos had GPS data that showed that
7 they were taken at the Quality Inn in Kansas City, Missouri,
8 which is a location within the Western District of Missouri. The
9 images show Jane Doe raising her shirt and exposing a bra. And a
10 close-up of Jane Doe's vagina and another close-up of Jane Doe's
11 vagina with Pearson's fingers. And a picture of Jane Doe with
12 Pearson's penis in her mouth. The other nine pictures were taken
13 on January 10th and also show sexually explicit images. On
14 January 17th, 2017, Task Force Officer Burnett confirmed that the
15 Quality Inn & Suites was located at 1051 North Cambridge Avenue,
16 Kansas City, Jackson County, Missouri. On February 23rd, 2017,
17 Jane Doe was interviewed by FBI Child Forensic Interviewer Rachel
18 Happel. Jane Doe stated that she had met Pearson on a chat site
19 named ChatHour and that her screen name was tinykinzie, K-I-N-Z-
20 I-E, and that they communicated via KIK. Jane Doe stated that
21 she had used G.W. and J.W.'s phone because she did not have one.
22 Jane Doe stated that she and Pearson messaged for a couple months
23 and they had talked about sex and then he came to pick her up.
24 Jane Doe stated Pearson had sent her some nude pictures and he
25 had asked her to send some to him but she had stated no. Jane

1 Doe met with Pearson about 1:00 p.m. and Pearson's friend drove
2 them to Kansas City and dropped them off at Denny's. Jane Doe
3 said she considered Pearson her boyfriend and he knew she was
4 only 13 years of age. Jane Doe stated that Pearson touched her
5 vagina with his hands while they were at the truck stop in the
6 driver's den and that she had also touched his penis. After they
7 left the truck stop they went to the motel where they had sexual
8 intercourse. Jane Doe was shown thumbnails of the photos located
9 on the SD card from Pearson's Samsung cellular phone and Jane Doe
10 identified the female as her and the male as Pearson. And that
11 would be the Government's evidence if the case went to trial.

12 THE COURT: The only other question I would have is -- I
13 know you've indicated that the victim was 13 years of age. Is
14 the defendant at least four years older than the victim and not
15 the spouse of the victim?

16 MS. MILLER: Yes, Your Honor. That is correct.

17 THE COURT: Mr. Pearson, you've listened to the evidence
18 that the Government has submitted that they could present at
19 trial to prove or establish your guilt beyond a reasonable doubt.
20 Did you, in fact, do the things that they've stated for the
21 record that they can prove?

22 MR. PEARSON: Yes.

23 THE COURT: Mr. Lewis, you've had access to the
24 Government's discovery file in this case, have you not?

25 MR. LEWIS: I have, Your Honor.

1 THE COURT: And based upon your review of the discovery
2 file, are you satisfied if put to proof, that the United States
3 could make a submissible case as to all the elements pertaining
4 to Counts One through Four of the Superseding Indictment?

5 MR. LEWIS: I am, Your Honor.

6 THE COURT: There is an adequate factual basis for the
7 pleas of guilty to Counts One, Two, Three and Four of the
8 Superseding Indictment. I find that the plea is voluntary and
9 did not result from force, threats or promises. Mr. Pearson, you
10 are represented in this case by Mr. Lewis. Have you had enough
11 time to talk with him about your case?

12 MR. PEARSON: Yes, I have.

13 THE COURT: Are you satisfied with the advice that he's
14 given you?

15 MR. PEARSON: Yes.

16 THE COURT: The law requires me to ask you if this
17 morning you are on any medication prescribed by a physician or
18 any drugs or alcohol of any kind which would affect your ability
19 to understand these proceedings?

20 MR. PEARSON: No, Your Honor.

21 THE COURT: Understanding that and the other matters
22 that we've discussed this morning, is it your desire for the
23 court to accept these pleas of guilty?

24 MR. PEARSON: Yes.

25 THE COURT: Ms. Miller, on behalf of the United States,

1 do you have any other record under Rule 11 that you think I need
2 to make?

3 MS. MILLER: No, Your Honor.

4 THE COURT: Mr. Lewis, on behalf of the defendant, do
5 you have any other record under Rule 11 that you think I need to
6 make?

7 MR. LEWIS: No, Your Honor.

8 THE COURT: I will recommend the pleas of guilty be
9 accepted and I will order a Presentence Investigation to be
10 conducted by the Probation Office. That will conclude this
11 matter.

12 (Court Adjourned at 9:56 a.m.)
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5 I certify that the foregoing is a correct transcript
6 from the electronic sound recording of the proceeding in the
7 above-entitled matter.

8 /s/ Lissa C. Whittaker
9 Signature of transcriber

October 15, 2017
Date

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